

**2013 DRAFTING REQUEST****Bill**Received: **2/13/2013**Received By: **rkite**Wanted: **As time permits**

Same as LRB:

For: **Amy Sue Vruwink (608) 266-8366**By/Representing: **Karl Franzen**

May Contact:

Drafter: **rkite**Subject: **Nat. Res. - boats snomos ATVs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.Vruwink@legis.wisconsin.gov**

Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Private use registration for all-terrain vehicles (ATVs)

**Instructions:**

Redraft 2011 LRB-4155 except "keep a one-time registration for private use, expiring with change of ownership, as an option but not requirement."

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rkite 2/19/2013			_____			
/1		scalvin 3/4/2013	rschluet 3/4/2013	_____	srose 3/4/2013	srose 3/13/2013	State S&L

FE Sent For:

@ intro.

&lt;END&gt;

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	Extra Copies: <b>JK</b>

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1/?	rkite	11 sac 03/01/2013		_____	_____		

FE Sent For:

<END>

**Kite, Robin**

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**From:** Franzen, Karl  
**Sent:** Tuesday, February 19, 2013 2:46 PM  
**To:** Kite, Robin  
**Subject:** RE: Re-draft 2011-12 LRB-4155

Robin,

Thank you; I apologize for not clarifying. Please include UTVs.

Karl F. Franzen  
**Office of Rep. Amy Sue Vruwink**  
State Capitol, Room 112 North  
P.O. Box 8953  
Madison, WI 53708-8953  
608-266-8366 (office)  
888-534-0070 (toll free)  
[karl.franzen@legis.wisconsin.gov](mailto:karl.franzen@legis.wisconsin.gov)

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**From:** Kite, Robin  
**Sent:** Monday, February 18, 2013 4:49 PM  
**To:** Franzen, Karl  
**Subject:** RE: Re-draft 2011-12 LRB-4155

Karl:

As you probably know, under 2011 Act 208, UTVs are registered in much the same manner as ATVs are registered. Do you want the same private use registration option to apply to UTVs as well?

Thanks.  
Robin

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**From:** Franzen, Karl  
**Sent:** Wednesday, February 13, 2013 12:18 PM  
**To:** Kite, Robin  
**Subject:** Re-draft 2011-12 LRB-4155

Thank you, Robin, for the contact on the ATV license plates proposal,

Right afterward, I wish I had sent this to you, since I now see you had drafted last session's proposal LRB-4155 eliminating registration for ATVs used exclusively for ag purposes or on private property.

Rep. Vruwink would also like a re-draft of this proposal. However, this time she would like to keep a one-time registration for private use, expiring with change of ownership, as an option but not requirement.

Please let me know if you have any questions.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1626

RNK.:....

sac

Rm  
run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 BILL

In  
2/19

- 1 AN ACT *gen act*; relating to: registration of all-terrain vehicles and utility terrain  
2 vehicles used exclusively for agricultural purposes or used exclusively on  
3 private property.

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***Analysis by the Legislative Reference Bureau***

Current law prohibits any person from operating an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) unless the ATV or UTV is registered by the Department of Natural Resources (DNR) or is exempt from registration. Among the ATVs and UTVs that are exempt from registration are those that are covered by a valid registration in another state and that are located in this state for a specified limited period of time.

Generally, a person may not operate an ATV or UTV on an ATV trail or other established ATV corridor that is open to the public unless it is registered for public use or is exempt from registration. A person who operates an ATV or UTV exclusively for agricultural purposes or exclusively on private property is not required to register that ATV or UTV for public use but must register the ATV or UTV for private use. This bill allows, but does not require, a person who operates an ATV or UTV exclusively for agricultural purposes or exclusively on private property to register the ATV or UTV.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

✓  
1           **SECTION 1.** 23.33 (2) (a) of the statutes is amended to read:

2           23.33 (2) (a) *Requirement.* Except as provided in sub. (2k), no person may  
3           operate and no owner may give permission for the operation of an all-terrain vehicle  
4           or utility terrain vehicle within this state unless the all-terrain vehicle or utility  
5           terrain vehicle is registered for public use ~~or for private use~~ under this subsection or  
6           sub. (2g), is exempt from registration, or is operated with a reflectorized plate or a  
7           sign attached in the manner and containing registration decals specified under par.  
8           (dm) 3. Except as provided in sub. (2k), no person may operate and no owner may  
9           give permission for the operation of an all-terrain vehicle or utility terrain vehicle  
10          on an all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain  
11          vehicle or utility terrain vehicle is registered for public use under this subsection or  
12          sub. (2g).

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 13.92 (1) (bm) 2.

13           **SECTION 2.** 23.33 (2) (b) 3g. of the statutes is created to read:

14          23.33 (2) (b) 3g. Used exclusively for agricultural purposes, used exclusively  
15          on private property, or both.

16           <sup>✓</sup>  
**SECTION 3.** 23.33 (4) (d) 5. of the statutes is amended to read:

17          23.33 (4) (d) 5. On roadways if the all-terrain vehicle or utility terrain vehicle  
18          is an implement of husbandry, and if the all-terrain vehicle or utility terrain vehicle  
19          is used exclusively for agricultural purposes ~~and if the all-terrain vehicle or utility~~  
20          ~~terrain vehicle is registered for private use under sub. (2) (d) or (2g).~~ Operation of

an all-terrain vehicle or utility terrain vehicle which is an implement of husbandry on a roadway is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 13.92 (1)(bm) 2.

**SECTION 4. 78.01 (2) (e) of the statutes is amended to read:**

78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and equipment; other than use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not registered for private use exempt from registration under s. 23.33 (2) (d) (b) 3g. or a recreational motorboat; and delivered directly into the consumer's storage tank in an amount of not less than 100 gallons.

**History:** 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401; 2011 a. 208.

**SECTION 5. 78.01 (2m) (f) of the statutes is amended to read:**

78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than use in a snowmobile, an all-terrain vehicle or utility terrain vehicle that is not registered for private use exempt from registration under s. 23.33 (2) (d) or (2g) (b) 3g. or in a recreational motorboat or if no claim for a refund for the tax on the diesel fuel may be made under s. 78.75 (1m) (a) 3.

**History:** 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401; 2011 a. 208.

**SECTION 6. 78.40 (1) of the statutes is amended to read:**

78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply tanks of motor vehicles in this state, attaches at the time of delivery and shall be collected by the dealer from the alternate fuels user and shall be paid to the department. The tax, with respect to alternate fuels acquired by any alternate fuels

1 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a  
2 motor vehicle, or of a snowmobile, an all-terrain vehicle or utility terrain vehicle that  
3 is not ~~registered for private use exempt from registration~~ under s. 23.33 (2) ~~(d) or (2g)~~  
4 ~~(b) 3g.~~ or a recreational motorboat, attaches at the time of the use of the fuel and shall  
5 be paid to the department by the user. The department may permit any supplier of  
6 alternate fuels to report and pay to the department the tax on alternate fuels  
7 delivered into the storage facility of an alternate fuels user or retailer which will be  
8 consumed for alternate fuels tax purposes or sold at retail.

History: 1979 c. 11, 221; 1981 c. 20; 1983 a. 27; 1985 a. 302; 1987 a. 27; 1987 a. 312 s. 17; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27; 2011 a. 208.

9 **SECTION 7.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

10 78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
11 upon which has been paid the tax required under this chapter for the purpose of  
12 operating an all-terrain vehicle, as defined under s. 340.01 (2g), or a utility terrain  
13 vehicle, as defined under s. 23.33 (1) (ng), may not be reimbursed or repaid the  
14 amount of tax paid unless the all-terrain vehicle or utility terrain vehicle is  
15 ~~registered for private use exempt from registration~~ under s. 23.33 (2) ~~(d) or (2g)~~ (b)  
16 3g.

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291; 2011 a. 208.

17 **SECTION 8.** 78.75 (1m) (a) 3. of the statutes is amended to read:

18 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
19 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
20 for motorboats, except motorboats exempt from registration as motor vehicles under  
21 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
22 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
23 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and  
24 areas. The forms shall indicate that refunds are not available for motor vehicle fuel



1 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the  
2 vehicle is ~~registered for private use~~ exempt from registration under s. 23.33 (2) (d)  
3 ~~or (2g) (b) 3g.~~ and shall indicate that estimated all-terrain vehicle or utility terrain  
4 vehicle motor vehicle fuel or alternate fuels tax payments are used for all-terrain  
5 vehicle trails and areas. The forms shall also indicate that refunds are not available  
6 for the tax on less than 100 gallons. The department shall distribute forms in  
7 sufficient quantities to each county clerk.

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291; 2011 a. 208.

8 **SECTION 9.** 78.75 (1m) (a) 3. of the statutes is amended to read:

9 78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
10 indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
11 for motorboats, except motorboats exempt from registration as motor vehicles under  
12 s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
13 fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
14 motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and  
15 areas. The forms shall indicate that refunds are not available for motor vehicle fuel  
16 or alternate fuels used for all-terrain vehicles or utility terrain vehicles unless the  
17 vehicle is ~~registered for private use~~ exempt from registration under s. 23.33 (2) (d)  
18 ~~or (2g) (b) 3g.~~ and shall indicate that estimated all-terrain vehicle or utility terrain  
19 vehicle motor vehicle fuel or alternate fuels tax payments are used for all-terrain  
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(END)

**Parisi, Lori**

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**From:** Franzen, Karl  
**Sent:** Wednesday, March 13, 2013 11:47 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1626/1 Topic: Private use registration for all-terrain vehicles (ATVs)

Please Jacket LRB -1626/1 for the ASSEMBLY.